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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 MJ 2598

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Oscar RODRIGUEZ

Defendant

Magistrate Case No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)
Bringing in Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **November 5, 2007**, at the **San Ysidro** Port of Entry, within the Southern District of California, defendant **Oscar RODRIGUEZ** with the intent to violate the immigration laws of the United States, knowingly and in reckless disregard of the fact that an alien, namely, **Angelica CORTEZ-Lara** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Signature of Complainant
Sara Esparagoza, United States Customs and
Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **6th** day of **November, 2007**.

United States Magistrate Judge

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE



PROBABLE CAUSE STATEMENT

The complainant states that **Angelica CORTEZ-Lara** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On November 5, 2007 at approximately 6:12 PM, **Oscar RODRIGUEZ**, the Defendant, was waiting to make application for admission into the United States from Mexico at the San Ysidro Port of Entry via the vehicle primary lanes. Defendant was the driver and sole visible occupant of a 1990 Mercedes Benz. During a pre-primary roving operation, a Customs and Border Protection (CBP) Officer made contact with Defendant. Defendant claimed ownership of the vehicle. Defendant stated he was not bringing anything from Mexico and that he was going to Chula Vista. The CBP Officer noticed Defendant appeared nervous as he made little eye contact and had shaky hands. Upon a cursory inspection of the vehicle, a female was found concealed beneath the rear seat cushion. Defendant and the vehicle were escorted to secondary.

During secondary inspection, the back seat had to be pushed back and lifted up to free the female from the compartment under the rear seat cushion. The female, later identified as **Angelica CORTEZ-Lara (Material Witness)**, admitted being a citizen of Mexico without legal entitlements to enter the United States. A registration bearing Defendant's name was also found in the vehicle.

Defendant was advised of his Miranda Rights and elected to waive his right to counsel. Defendant admitted knowledge of one concealed person in the vehicle. Defendant stated he made arrangements with his friend named Chico and was going to receive \$700.00 to smuggle the person into the United States. Defendant stated he was to take the first exit off the freeway and Chico would be waiting for him.

During a video-taped interview, Material Witness made the following statements: Material Witness admitted being a citizen of Mexico without legal documents to enter into the United States. Material Witness stated her friend was going to pay an unknown amount upon her arrival in the United States. Material Witness stated she was going to San Diego, California to seek employment.